


Application Number 	Application No. 09/768,494	Applicant(s) BUSKIRK ET AL.	

TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Document Code - DISQ	This patent is subject to a Terminal Disclaimer	
INTERNAL DOCUMENT – DO NOT MAIL		

U.S. Patent and Trademark Office

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re United States Patent Application of:****Applicant:** VAN BUSKIRK, Peter, et al.**Application No.:** 09/768,494**Date Filed:** January 24, 2001**Title:** ISOTROPIC DRY CLEANING
PROCESS FOR METAL
INTEGRATED CIRCUIT
STRUCTURES**Docket No.:** 2771-272 CON**Examiner:** Allan W. Olsen**Art Unit:** 1763**Confirmation No.:** 2111

25559

PATENT TRADEMARK OFFICE

FAX RECEIVED
AUG 08 2003
GROUP 1700FACSIMILE TRANSMISSION CERTIFICATE

I hereby certify that I am filing this document in the United States Patent and Trademark Office on August 7, 2003, addressed to Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450, and transmitted to Technology Center 1700 Official Facsimile Number (703) 872-9310.

Steven J. Hultquist

Date of Facsimile Transmission: August 7, 2003

Number of Pages Transmitted: 11¹TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(b)
FOR U.S. APPLICATION NO. 09/768,494

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

¹ inclusive of Response to June 18, 2003 Office Action submitted concurrently herewith

The disclaimant, Advanced Technology Materials, Inc., a Delaware corporation having a principal place of business at 7 Commerce Drive, Danbury, Connecticut 06810, verifies through its duly authorized representative that it is the owner of all right, title and interest in the above-identified patent application, by Assignment recorded June 8, 1998 in the Assignment records of the Patent and Trademark Office at Reel 9231, Frame 0789.

The disclaimant hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of any United States Patent hereafter granted on United States Application No. 09/874,102, filed June 5, 2001, entitled "PLASMA-ASSISTED DRY ETCHING OF NOBLE METAL-BASED MATERIALS", which was assigned to the above-identified disclaimant by an Assignment recorded June 5, 2001 in the Assignment records of the U.S. Patent and Trademark Office at Reel 011880, Frame 0625.

Disclaimant further agrees that any United States patent so granted on the above-identified application No. 09/768,494, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any United States Patent hereafter granted on United States Application No. 09/874,102, this agreement to run with any patent granted on the above-identified application No. 09/768,494, and to be binding upon the grantee, its successors and assigns.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application No. 09/768,494 which is prior to the expiration of the full statutory term of any United States Patent hereafter granted on United States Application No. 09/874,102, in the event that any United States Patent hereafter granted on United States Application No. 09/874,102, later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The Commissioner for Patents is hereby authorized to charge the amount of \$110.00 as the fee specified in 37 CFR §1.20 for the filing of this Terminal Disclaimer, to Deposit Account No. 08-

PATENT APPLICATION
2771-272 CON

Section II. REMARKS

Submission of Terminal Disclaimer to Obviate Double-Patenting Rejection

A terminal disclaimer is enclosed and submitted concurrently herewith under the provisions of 37 CFR §1.321(b) to obviate the provisional double-patenting rejection of claims 2-4, 12-14, 24-27, 53 and 57-62 based on copending application no. 09/874,102.

The terminal disclaimer authorizes the fee of \$110 for the terminal disclaimer (37 CFR §1.20(d)) to be charged to Deposit Account No. 08-3284 of Intellectual Property/Technology Law. Authorization hereby is given to charge any additional fee or amount properly payable in connection with the entry of this response, to such Deposit Account.

Rejection of Claim 61 Under 35 U.S.C. §102(a)

In the January 15, 2003 Office Action, claim 61 was rejected under 35 USC §102(a) as being anticipated by Tea et al.²

The prior rejection of claim 61 under 35 USC §102(e) based on the Tea et al. reference (January 15, 2003 Office Action) has been withdrawn in recognition that Tea et al. is not competent §102(e) prior art for the present case, and that applicants' priority grandparent application 08/966,977 was filed November 10, 1997, prior to the December, 1997 publication of the Tea et al. article.

The current Office Action, however, re-asserts the Tea et al. reference on §102(a) grounds as evidence that "the method of claim 61 was known or used by others in this country prior to the filing date of 08/966,977" (page 2 of June 18, 2003 Office Action), the Office Action noting that "the date on which the transcript ["manuscript" was likely the intended term here] of the Tea document was originally submitted is February 25, 1997."

² Tea et al., *Journal of Microelectromechanical Systems*, vol. 6, no. 4, pg 363-372 (Dec. 1997).

3284, together with any other properly payable fee or charge which may be required to effect entry of this Terminal Disclaimer or the response to the June 18, 2003 Office Action in the above-identified application submitted herewith.

I, Steven J. Hultquist, represent that I am a principal attorney of record in United States Patent Application No. 09/768,494, and am authorized to execute this disclaimer on behalf of Advanced Technology Materials, Inc. I further declare that the evidentiary documents of ownership have been reviewed and I certify that to the best of disclaimant's knowledge and belief, title is in the disclaimant seeking to take action.

I hereby declare that all statements made herein of my knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patent issued thereon.

Respectfully submitted,



Steven J. Hultquist
Reg. No. 28,021
Attorney for Applicants and Assignee
Advanced Technology Materials, Inc.

August 7, 2003
Date

INTELLECTUAL PROPERTY/
TECHNOLOGY LAW
P.O. Box 14329
Research Triangle Park, NC 27709
Phone: (919) 419-9350
Fax: (919) 419-9354
Attorney File No.: 2771-272 CON